

**SELECTMEN'S MEETING MINUTES**  
**October 11, 2011**

Members Present: Larry Harrington, Chairman  
James J. DeVellis, Vice Chairman  
Mark Sullivan, Clerk  
Lorraine Brue

Others Present: Kevin Paicos, Town Manager  
Phil Buttafuoco, Gillette Stadium  
Sue Thibedeau, Animal Control Officer  
Kimberly Altovino, 11 Oak Street  
Bob Cutler, Town Clerk  
Jerry Cirillo, Boyden Library Director

The Meeting was brought to order at 7:00 by Larry Harrington, Chairman.

**7:00 – Citizens Input** – No one present for Citizens Input. Chairman Harrington explained the Executive Session as scheduled for 9:30 for Labor Negotiations would be held not as an Executive Session but as part of the open meeting.

Chairman Harrington also said the Board would be discussing the incident at North Street at the next BOS meeting.

**7:05 – ACTION:**

**Appointment to Veterans Advisory Committee** – Received from Michael Johns, Veterans Agent, a request to appoint Pastor Bill Dudley to the Veterans Advisory Committee for a term expiring on 5/1/2012.

Motion by Mark Sullivan to appoint Pastor Bill Dudley, 36 Grove Street, to the Veterans Advisory Committee for a three year term as requested. Seconded by Lorraine Brue. **Vote: 4-0-0**

**Donations to the Animal Control Gift Fund** – Received from Sue Thibedeau, Animal Control Officer, a request to accept two donations to the Animal Control Gift Fund.

Motion by Jim DeVellis to accept with gratitude the gift from Gary and Eileen Walther, 23 A Street, Wrentham, MA., in the amount of \$120.00 to be deposited in the Animal Control Gift Fund. Seconded by Lorraine Brue.

**Vote: 4-0-0**

Motion by Lorraine Brue to accept with gratitude the gift in the amount of \$200.00 from the Mansfield Animal Shelter in appreciation of assistance in running a Cow Chip Fundraiser on Sept. 11<sup>th</sup>. Seconded by Jim DeVellis.

**Vote: 4-0-0**

**One Day Wine & Malt Beverage License Application** – Received from Dan Stapleton, on behalf of The Bridge Center an application to change the date of the planned motorcycle run to October 23<sup>rd</sup>.

Motion by Lorraine Brue to approve the application for One Day Wine & Malt Beverage License as submitted by Dan Stapleton to change the date of the scheduled motorcycle run to October 23<sup>rd</sup>. Seconded by Jim DeVellis.

**Vote: 4-0-0**

**Public Event Application Change of Date** – Received from Keith Hudson on behalf of Foxborough Firefighters a request to change the date for the Blood Drive Fundraiser (Boot Drive) from 10/01 to 10/22/ 2011.

Motion by Lorraine Brue to approve the request to change the date to October 22 for the Blood Drive Fundraiser as submitted by Keith Hudson on behalf of the Foxborough Firefighters. Seconded by Mark Sullivan. **Vote: 4-0-0**

**Public Hearing** – Received from Sharon Wason, Town Planner notice of a Public Hearing for Oct. 13 on Site Plan for the Foxborough Compost Site. Comments must be submitted two days prior to the hearing.

**Update on status of interviews for HR and DPW positions:** Kevin Paicos reported that eight persons had been interviewed, narrowed down to three finalists who were asked to come in for a third interview. He will offer the HR position to Marie Gomes. If the offer is accepted, he would present her to the Board for approval. Kevin also said interviews and screening for DPW director is moving forward and he expects to complete the process in the next couple of weeks.

A brief discussion was held. Kevin Paicos noted that this has been a lengthy process. He will provide members of the Board with background information if requested. He wants to be sure there is adequate protection for all candidates. Kevin explained that it is not the responsibility of the Board to ratify the candidate, but the Board has the right to reject a candidate. Jim DeVellis explained that applicants are screened and interviewed by two separate committees in order to get complete fresh looks at each candidate.

**7:10 – Public Hearing – Colonial Clash – UMass vs. UNH – Public Hearing**  
Notice was read by Mark Sullivan, Clerk. The purpose of this Public Hearing is to discuss the application submitted by NPS LLC for the Colonial Clash, University

of MASS vs. University of NH at Gillette Stadium.

Phil Buttafuoco, NPS LLC, said this year the event is the UMass vs. UNH to be held on October 22<sup>nd</sup>. He pointed out that this is the second year this event has been held at Gillette Stadium. He briefly reviewed the basic information-start time, expected attendance and parking. A brief discussion was held. Police Chief O'Leary and Fire Chief Hatfield both reported that there are no issues with this event at this time. Jim Evans reported for the Stadium Advisory Committee noting a unanimous vote for approval. Lorraine Brue pointed out that if the attendance warrants it, additional medical rooms should be opened. Jim DeVellis expressed some concern about the serving of alcohol during the event and whether any discussions had been held with the restaurants owners. Chief O'Leary reported that he has had numerous conversations in this regard particularly with CBS Scene and Toby Keith.

Motion by Lorraine Brue to approve the Colonial Clash – UMass vs. UNH event as submitted. Seconded by Jim DeVellis. **Vote: 4-0-0**

**7:20 – Public Hearing – MIAA High School Super Bowls** – Public Hearing Notice was read by Mark Sullivan, Clerk. The purpose of this Public Hearing is to review the application submitted by NPS LLC for the 2011 MIAA High School Super Bowls. The event is scheduled to be held December 3<sup>rd</sup>.

Phil Buttafuoco gave a brief overview of the event. He pointed out that this is the culmination of all the High School games; attendance is expected to be approximately 17,500 throughout the day and no more than 5,000 at any one time. He said no alcohol would be served at this event. It is a major event for MIAA. Phil Buttafuoco noted that MIAA is a non-profit educational association serving student athletes across the Commonwealth. The revenue realized is used to support school athletic organizations. This year MIAA member schools will participate in six high school superbowls at Gillette Stadium.

Police Chief O'Leary said these games do not result in any significant traffic problems. He sees no reason not to approve. Fire Chief Hatfield has no issues with approval of this event as long as all policies and procedures are followed. He said it would be covered as a Level 2 event. Jim Evans reported for the Stadium Advisory Committee noting a unanimous vote for approval of this event.

Kevin Paicos pointed out that the Board voted last year to waive the Town User Fee for these games. He has asked MIAA for information regarding revenue realized through ticket sales. He has made repeated requests for such information and has received no reply. Based on the lack of such information, Kevin strongly urged the Board not to waive the User Fee for these games.

Lorraine Brue said she questions the authority of the Board to waive the User Fee. She recognizes the good that is being done by the Stadium in their generosity in allowing these games to take place free of charge. She pointed out that municipalities are not charitable organizations and waiving the fee would be a concern. Jim DeVellis said it would have been nice to have all the information before having to make a decision; he is not comfortable making a decision at this time. Kevin Paicos said he feels there is still time to resolve this if MIAA takes seriously getting him the requested information. Larry Harrington pointed out that there are two questions – whether or not the Board is going to approve the application and whether or not the Board can waive the User Fee.

David Brown, 17 Merigan Way, said he feels that waiving the fee is not appropriate. He pointed out that this represents a lot of money. He was disappointed that the Stadium representative did not have sufficient information. Randy Scollins, Finance Director, said he would probably not support waiving the User Fee. He said it is not clear that the Board had the authority to waive the fee last year.

Motion by Lorraine Brue to close the Public Hearing. Seconded by Jim DeVellis. **Vote: 4-0-0**

Motion by Mark Sullivan to approve the license application for the 2011 MIAA High School Super Bowls as submitted by NPS LLC, scheduled for December 3, 2011. Seconded by Lorraine Brue. **Vote: 4-0-0**

A brief further discussion regarding possible increase in user fees and instruction to Town Manager to draft a letter to the Kraft Organization explaining that efforts have been made to obtain information and that no response has been received. Kevin Paicos noted that he would be meeting the next day with a representative of the Kraft Organization and he would bring this matter to the attention of the representative.

**7:30 – Public Hearing – Restraint/Disposal of Lab** – The Public Hearing Notice was read by Mark Sullivan, Clerk. The purpose of this Public Hearing is to consider the restraint or disposal of a Lab mix owned by Al & Kimberly Altovino, 11 Oak Street, Foxborough.

Sue Thibedeau, Animal Control Officer, gave a brief review of the circumstances of this incident. She said she had issued a 10 day in home quarantine. On Sept. 9 she issued an interim order requiring the dog to be muzzled and held on leash whenever the dog is off the property. She said the owners have been very cooperative. Her recommendation is that the dog be muzzled whenever the dog is taken off the property and on a leash not longer than six feet and handled by a responsible adult.

Motion by Mark Sullivan to close the Public Hearing. Seconded by Lorraine Brue. **Vote: 4-0-0**

Motion by Jim DeVellis to accept the recommendation of the Animal Control Officer that the dog be muzzled whenever taken off the property and on a leash not longer than six feet and handled by a responsible adult. Seconded by Lorraine Brue. **Vote: 4-0-0**

Point of Order – Motion by Mark Sullivan to close the Public Hearing on Colonial Clash – UMass vs. UNH. Seconded by Jim DeVellis. **Vote: 4-0-0**

**8:00 – Update – Hiring Human Resources and DPW Directors** – Kevin Paicos said he expected to be making an offer next week for DPW director. He announced that an offer has been made to Maria Gomes as Human Resources Director.

Kevin Paicos made a brief review of the Contracts that are up for renewal. He noted that he would be looking at the solid waste contract with the idea of contracting jointly with similar communities in the area.

**8:15 – STM Warrant Scheduling/Approval** – Motion by Lorraine Brue to hold the STM on Monday, December 5, 2011. Seconded by Mark Sullivan.  
**Vote: 4-0-0**

**8:20 – STM Articles 1 and 2** – Article 1, Item 3 – Town Clerk Expenses: Bob Cutler, Town Clerk, came before the Board to discuss his thoughts on establishing a Town Code and having all the Town ordinances, regulations, policies, etc. gathered together in one place. All the information would be available at one source. It could include zoning and general by-laws as well. He pointed out it would be an expense of about \$20,000. It would all be put into book form and changes would be updated when necessary.

A brief general discussion was held regarding cost of annual maintenance, fees for updating changes, how this would affect the by-law changes presently being reviewed by Town Counsel, adding new regulations and perhaps over time adding Board of Health and Board of Selectmen information.

Article 1, Item 1 – Management Intern: A lengthy discussion was held on salary for Tim Cummings, Intern. Item #1 proposes is to continue to pay Tim \$19.00 per hour. Kevin Paicos referred to a list of accomplishments by Tim that have benefited the Town in financial savings as well as operational improvements. He pointed out that there are a number of projects still to be done that he cannot guarantee can be done without the help of another person. He said this is a temporary position through the end of the fiscal year designed to produce a potentially large return on the investment and will help Tim reach his

goal to become a Town Manager. He said the intern program has been successful in saving the Town a lot of money.

Larry Harrington pointed out that Tim agreed to \$10.00 per hour; he was not aware that it had gone to \$19.00 per hour. He said the original deal was \$10.00 – ten hours per week with no tuition reimbursement. He is opposed to paying tuition for a second masters. Jim DeVellis agreed with Larry's statement. He recalled that payment for the intern was not coming out of taxpayers but would come from economic development funding. He feels the Board needs to rethink this issue. He said there would not be a lot of pay back for the Town of Foxborough for an increase from \$10,000 to \$25,000. He said he cannot support an increase of that much. Lorraine Brue said she would like to see the intern program stay about the same as it was first proposed particularly since the message from the Town has been no new positions. She said Tim has done a good job and she would like to see him get more experience.

Kevin Paicos asked if the Board could support \$10 per hour, ten hours per week to the end of the year. When asked, Kevin said he would need approximately \$3,000 for the remainder of the year. Mark Sullivan said he would like to hear from Tim. Sharon Wason shared her experience with internships. She said graduating students are being paid \$17.00 per hour and that \$10 per hour is a low figure for graduate students in today's world. Tim said it is difficult to survive on the \$10 per hour salary. He has enjoyed his time in Foxborough; he really loves municipal government. He believes in having strong values for services provided. He said there is a disconnect. Larry Harrington said the Board supports the intern program but more information is needed and asked Kevin to come back to the Board with a different proposal.

Lorraine Brue asked Kevin to explain how the awards program is administered. Kevin Paicos explained there is a committee of three people – an interested citizen, the Town Manager and the Chairman of the Advisory Committee. The ideas come from an employee; the committee reviews the ideas and decides whether or not the idea is credible. The award up to \$1,000 is made equal to a percentage of savings realized. Kevin pointed out that the award is a recognition, a "thank you" to the employee.

**Article 2** – Kevin Paicos explained this Article is to fund the Highway & Water and Sewer Union employees' contract for FY2012. The total cost is \$45,000.

Motion by Jim DeVellis to approve Article 2 as written. Seconded by Mark Sullivan. **Vote: 4-0-0**

**Article 5 – Easement** – Jerry Cirillo, Boyden Library Director, explained that this article refers to a right-of-way to give access to the back yard of an

abutting neighbor. Town Meeting approval is required. It was noted that the easement provides the only access to the Smith family's back yard.

Motion by Jim DeVellis to approve Article 5 as written. Seconded by Lorraine Brue. **Vote: 4-0-0**

It was noted that Article 1, item #1 needed to be changed. George Leonard asked that the word "demolition" be removed from Article 3. He felt that it gives the appearance of approval of construction of a new town hall and leaves no room for discussion on new vs. renovation. Article 4 – Concern was expressed on whether this article would make the unintended impression that it refers to all non-union workers in town. Kevin Paicos said this article would provide funding for any salary adjustments and would be totally transparent. Article 10 – Kevin Paicos noted that this article refers to a public document and may be deleted.

**9:00 – RFP for Town Counsel Services** – Larry Harrington gave a brief overview on how the Board got to this point regarding Town Counsel services. Lorraine Brue asked to hear why the Board was going through this process. She explained that Town Counsel had not yet finished the By-Law review piece and this would disrupt other issues coming up. Mark Sullivan pointed out that he would not like to get into a discussion as to other issues coming up and he would like to go forward with an RFP. Jim DeVellis said he feels that sending out an RFP has merit as it would bring up discussion from "the other side of the table". Lorraine Brue said Deutsch/Williams has made a significant difference for the Town of Foxborough and has invested a lot of time learning about the history and complexity of the Town. Lorraine read an extensive list of accomplishments by Attorney DeRensis and Deutsch/Williams. She also noted the peer recognition and professional associations to which Attorney DeRensis belongs that highlight his experience in civic and municipal government. After further comments supporting her position, Lorraine said she would be totally opposed to sending out an RFP. She pointed out that continuity is very important and this process would be very disruptive. Mark Sullivan said he would like to "stay positive" and would like to see this process every three years in the same way everything else is reviewed in the Town. Larry Harrington said he had not heard of any criticism of Paul DeRensis and that there is no reason why Deutsch/Williams could not submit a proposal as it would seem they would have a "leg up" on others interested. He said this process would allow the Town to look at credentials and evaluate other proposals. Mark Sullivan said it was the consensus of the Board to go forward with an RFP for legal services. Lorraine Brue noted that there was a decision to discuss whether or not to send out RFPs. She said she would like to have all Board members present before voting on this issue. Jim DeVellis said there is never going to come to a point where the "slate is clean"; the town would always be involved in issues. He feels the Board would be doing a disservice to the Town not to see what services are out there that are not known yet.

Motion by Mark Sullivan to send out an RFP for Town Counsel. Seconded by Jim DeVellis. **Vote: 3-1-0** Lorraine Brue voting in the negative.

A brief discussion was held regarding the timing for Special Town Meeting and whether there is sufficient time for discussions on the Draft warrant.

**9:30 – Labor Negotiations – Bargaining Non-Union Personnel –** Larry Harrington explained that this discussion concerns contract negotiations for Kevin Paicos. Kevin requested the discussions be held in open meeting in order that it be totally transparent. Larry noted that each member of the Board had done an evaluation. He pointed out that a salary increase would be retroactive to 7/01/11. Larry noted that Kevin had negotiated a zero increase for union and non union Town personnel. He said an increase for the Town Manager would send a confusing message to the other employees. Kevin Paicos pointed out that he had initially requested an annual salary of \$155,000 with an increase of \$10,000 at each contract year. After pointing out savings to the Town since becoming Town Manager, he reminded the Board that he had agreed to a reduction in salary and increases would be based on performance. He feels he has fulfilled the employee part of the bargain.

Mark Sullivan pointed out that he was not a member of the Board when Kevin was hired and therefore it is very difficult to deal with this issue. He said the message to employees has been zero pay increases, no raises and no new hires. He feels that an increase at this time sends the wrong message to those who have agreed to a zero increase. He said that would be the basis of his decision. Jim DeVellis said he did not want to hear “I could have gone some place else” relative to salary and bonuses. He said Kevin had met and in some cases exceeded expectations but he has a “hard time understanding” the message of zero increases, no raises and no new hires and at the same time asking for a raise for Town Manager.

Lorraine Brue thanked Kevin for all of last year adding that he has done a great job for the Town. She had a question about the 3% COLA for non-union employees approved during the budget process. She questioned whether or not the Town is obligated to pay that COLA. Larry Harrington said he did not remember that the 3% non union increase included the Town Manager’s salary.

Larry Harrington noted there had been a lot of negotiating between Kevin, Jim DeVellis and himself. He pointed out that there is not enough money in the budget. He said when leadership asks everybody to sacrifice and then asks for a raise, it sends the wrong message. Lorraine Brue noted that the Board does have a decision to make. She said Kevin had worked very hard and had accomplished everything he set out to do. She feels he does deserve recognition for that. Lorraine pointed out that the Board was hoping to resolve this issue at this meeting but that it is important to have all Board members present before taking a vote.



Motion by Mark Sullivan to leave the Town Manager's salary at what was agreed upon and signed by the Board last year. Seconded by Jim DeVellis.

Jim DeVellis noted that the 3% COLA increase is all ready in the 2012 budget. **Vote: 3-1-0** Lorraine Brue voted in the negative.

Motion by Jim DeVellis to go into Executive Session for the purpose of reviewing Executive Session Minutes and to exit Executive Session for the sole purpose of adjournment. Seconded by Mark Sullivan.

<b>Vote: 4-0-0</b>	Larry Harrington, Chairman	Yes
	Jim DeVellis, Vice Chairman	Yes
	Mark Sullivan, Clerk	Yes
	Lorraine Brue	Yes

Motion by Jim DeVellis to adjourn. Seconded by Mark Sullivan.

**Vote: 4-0-0** Meeting adjourned at 10:15 p.m.

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Mark Sullivan, Clerk